

REMARKS/ARGUMENTS

Claims 1-12 are pending in the application.

Applicants are being required to elect one of the following groups pursuant to 35 U.S.C. §121:

- I. Claims 1-10 drawn to Compounds classified in classes 544, 546, 548 and numerous subclasses.
- II. Claims 11 and 12 drawn to a method of treating a disease classified in class 514.

At the outset, Applicants respectfully traverse the restriction requirement. MPEP §803 states that the two criteria for a proper requirement for restriction are (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is required.

Here the Examiner has not shown that there would be a serious burden on the Examiner given our contention that the species contained within Claims 10 and 11 fall within the generic scope of Claim 1. Applicants respectfully request removal of the restriction requirement at this time.

Nevertheless, to advance the prosecution of the present application and to be fully responsive to the present restriction requirement, Applicants elect Group I (Claims 1-10) with election of 1-Methyl-6-[5-(6-methyl-pyridin-2-yl)-1H imidazole-4-yl]-1H-benzotriazole with traverse for examination purposes. Claims 1, 2, 8, 9 and 10 read upon the elected species (i.e. R¹ is a benzotriazole ring). Non elected Claims 11 and 12 are withdrawn without prejudice to pursuing the subject matter of such claims in any continuing application such as e.g., a continuation application, divisional application etc. Applicants retain the right to rejoinder according to MPEP 821.04.

Appl. No. 10/666,192
Amend dated January 12, 2006
Reply to Office Action of October 12th, 2005

To the extent any fee is due the Commissioner is hereby authorized by this paper to charge any required fees or credit any overpayment to Deposit Account 16-1445.

Respectfully submitted,

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